IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 6622 of 2002

Shri C.P. Sethumadhavan and Anr. .. Petitioners
V/s.
The Registrar, Mulshi, Pune and Anr. .. Respondents

Mr. Anil V. Anturkar for the Petitioners
Mr. N.P. Deshpande, AGP. for the Respondents

CORAM : S. RADHAKRISHNAN &
S.A. BOBDE, JJ.
DATED : 15.12.2004.

P.C.:-

1. Rule. Rule made returnable forthwith. Heard the learned counsel for the Petitioners and the learned counsel for the Respondents. By this Petition, the Petitioner is challenging the order dated 11.11.2002 passed by the Sub Registrar. The basic contention of the Petitioner is that the Sub Registrar has ex-facie not complied with Section 71 of the Registration Act, 1908. Section 71 of the Registration Act, 1908 reads as under:-

> 71. Reasons for refusal to register to be recorded -(1) Every Sub-Registrar refusing to register a document except on the ground that the property to which it relates is not situate within his sub-district, shall make an order of refusal and record his reasons for such order in his Book No. 2, and endorse the words "registration refused" on the document; and, on application made by any person executing or claiming under the document, shall, without payment and unnecessary delay, give him a copy of the reasons so recorded.
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> (2) No registering officer shall accept for registration a document so endorsed unless and until, under the provisions hereinafter contained, the document is directed to be registered.

2. From perusal of the Section 71, it is clear that

whenever the Sub Registrar refuses to register the

document, except on the ground that the property to which it relates is not situate within his sub-district, he shall make an order of refusal and record reasons for such order. Over and above, without payment and unnecessary delay, a copy of the reasons shall also be furnished to the person, who makes an application in that behalf. Perusal of the impugned order dated 11.11.2002, does not indicate any reasons being recorded for such refusal. The main purpose of recording such reasons would be that a person aggrieved will be able to file Appeal under Section 72 of the Registration Act, 1908 before the Registrar. As the impugned order does not indicate reasons, excepting a reference to a circular, we do hereby quash and set aside the order dated 11.11.2002 passed by the Sub Registrar and direct the Sub Registrar to pass an order disclosing all the reasons with regard to the aforesaid sale deed dated 11.11.2002, by way of a speaking order after affording an opportunity of personal hearing to the Petitioner. This shall be done by the Sub Registrar as expeditiously as possibly, preferably within six weeks from today.

(S. RADHAKRISHNAN,J.)

(S.A. BOBDE, J.)